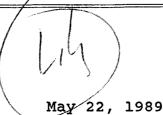
## DEPARTMENT OF HEALTH SERVICES

2151 BERKELEY WAY BERKELEY, CA 94704





## CERTIFIED MAIL

Rick Rosdail Crystal Technology, Inc. 1040 East Meadow Circle Palo Alto, CA 94303

Dear Mr. Rosdail:

## REPORT OF VIOLATION:

EPA ID NO. CAD980882369

On March 21 and 23, 1989, the Department of Health Services (Department) conducted an inspection of Crystal Technology, Inc. in Palo Alto, California. As a result of that inspection, the following violations of hazardous waste statutes and regulations were found.

## Violations:

1. Health and Safety Code (HSC), section 25201.

On or about March 21, 1989 Crystal Technology violated HSC section 25201 in that containers of hazardous waste were stored in excess of 90 days from the initial accumulation date without a permit, variance, or other prior permission from the Department, to wit:

- Six 55-gallon polyethylene drums of waste acids with a) initial accumulation dates of 11/5/88 were stored alongside building 1051.
- b) 55-gallon polyethylene drums of waste solvents with accumulation dates of 8/18/88 (one drum), 8/10/88 (one drum), 9/18/88 (two drums), and 12/15/88 (two drums) were stored in the waste solvent storage area behind building 1040.
- 2. Title 22, California Code of Regulations (Cal. Code Regs.), section 66508(a)(2 and 3) and (c)(1-3).

On or about March 21, 1989 Crystal Technology violated title 22, Cal. Code Regs., section 66508(a)(2 and 3) and (c)(1-3) in that hazardous waste was stored in containers which were not marked with an initial accumulation date, were not marked or labeled with the words "Hazardous Waste," and/or Crystal Technology, Inc. May 22, 1989

were not labeled with the composition and physical state of the waste, the particular hazardous properties of the waste, and/or the name and address of the generator, to wit:

- a) One 55-gallon polyethylene drum of hazardous waste marked as containing "HCl and HNO3" and one marked as containing "HF" were stored at the building 1051 waste acid storage area. The containers lacked accumulation start dates, the words "Hazardous Waste," or any other hazardous waste labeling
- b) Two 55-gallon steel drums of waste oil at the building 1040 waste solvent storage area were unlabeled.
- c) Four five-gallon and six one-gallon containers of hazardous waste in the building 1040 waste solvent storage area were unlabeled.
- d) Two 55-gallon polyethylene drums among the waste chlorinated solvents, one 55-gallon polyethylene drum near the waste oil, and four 55-gallon polyethylene drums among the waste flammable solvents at the building 1040 waste storage area were unlabeled.
- HSC, section 25189.2(a).

On or about March 21, 1989 Crystal Technology violated HSC, section 25189.2(a) in that false representations were made on hazardous waste container labels, to wit:

At least 20 containers, labeled or otherwise identified as containing waste acids or solvents, had labels which indicated that the containers held colloidal silica.

4. Title 22, Cal. Code Regs., section 66492(b).

On or about March 21 and 23, 1989 Crystal Technology violated title 22, Cal. Code Regs., section 66492(a) in that they failed to retain for at least three years a copy of a Biennial Report for 1987 which was submitted to the Department on 3/31/88.

5. HSC, section 25185(a)(4).

On or about March 21 and 23, 1989 Crystal Technology violated HSC, section 25185(a)(4) in that required records and reports were not available for inspection, to wit:

a) The 1987 biennial report was not available for inspection.

- b) Training records, demonstrating that required training had been completed by all hazardous waste employees, were not available for inspection.
- c) Copies of manifests signed by the receiving TSDFs were not available for inspection on March 21, 1989.
- 6. Title 22, Cal. Code Regs., sections 66508(a)(4) and 67141(e and f).

On or about March 21 and 23, 1989 Crystal Technology violated title 22, Cal. Code Regs., section 67141(e and f) in that the Contingency Plan does not include:

- a) An organized, planned, and coordinated course of action to be taken in the event of an emergency (e.g., neither the Plan nor associated training documents include "standard clean-up procedures" in response to a chemical spill).
- b) A list of all emergency equipment with the location, description and capabilities of each item.
- c) Evacuation procedures and routes.
- d) The home address of the emergency coordinator.
- 7. Title 22, Cal. Code Regs., sections 66508(a)(4) and 67144.

On or about March 21 and 23, 1989 Crystal Technology violated title 22, Cal. Code Regs., section 67144 in that the emergency coordinator, Rick Rosdail, was not thoroughly familiar with the locations of facility records.

8. Title 22, Cal. Code Regs., sections 66508(a)(4) and 67105(d)(2-4).

On or about March 21 and 23, 1989 Crystal Technology violated title 22, Cal. Code Regs., section 67105(d) in that the following documents and records were not maintained at the facility:

a) A written job description for each position related to hazardous waste management which includes the hazardous waste duties of the position. The job description for "Facilities Manager" does not include acting as emergency coordinator among the job duties and responsibilities.

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- b) A written description of the type and amount of both introductory and continuing training that will be given to each hazardous waste management employee.
- c) Records that document that the training has been given to, and completed by, facility personnel.
- 9. Title 22, Cal. Code Regs., sections 66508(a)(4) and 67243(a).

On or about March 21, 1989 Crystal Technology violated title 22, Cal. Code Regs., section 67243(a) in that a container holding hazardous waste was not stored closed, to wit: A 55-gallon polyethylene drum in the waste acid storage area, identified as containing waste hydrochloric and nitric acids and marked as containing "HCl and HNO3," was stored with a bung plug sitting loosely at an angle over the bung hole.

In addition to the violations described above, the following EPA Land Disposal Restrictions (Land Ban) violations were determined:

a) Title 40, Code of Federal Regulations (40 CFR), section 268.7(a)(1).

Crystal Technology did not notify the treatment facility with each shipment of restricted waste of the required treatment standards for their acid wastes (liquids with pH < 2) and their F002 and F003 solvent wastes.

b) 40 CFR, section 268.7(a)(6).

Crystal Technology did not retain on-site a copy of all 40 CFR, Part 268 records for at least five years.

You are hereby requested to submit to EPA within 30 days of receipt of this Report of Violation a letter certifying that compliance with the above deficiencies has been achieved. submittal to EPA must also include, to the extent possible, photographs and/or documentation that demonstrates compliance with respect to the above deficiencies has been achieved. You must submit the information described above to Steven Johnson, EPA Regional Coordinator, US EPA, Region IX, 215 Fremont Street, San Francisco, CA 941005. If you have any questions or require additional information regarding these violations, please contact the EPA Regional section 268 Coordinator identified above at (415) 974-3127.

The Department may schedule a reinspection of Crystal Technology, Inc. to verify compliance.

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The issuance of this Report of Violation does not preclude the Department from taking administrative, civil, or criminal action as a result of the violations noted herein.

If you have any questions regarding this report, please contact Barbara Barry at (415) 540-2043.

Sincerely,

Barbara Barry

Barbara Barry
Associate Hazardous Materials
Specialist
Region 2
Toxic Substances Control Division

Patricia Barin

Patti Barni Senior Hazardous Materials Specialist Region 2

Toxic Substances Control Division

Cert. Mail No. P 841 941 108

cc: William Soo Hoo, DHS Toxics Legal Office
Mary Locke, DHS Office of Local Enforcement
Paul Blais, DHS Surveillance and Enforcement, HQ
Lee Esquibel, Santa Clara County Environmental Health Dept.
Steven Johnson, US EPA, Region IX

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